

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ILDA ARAUJO, LUC HOLIE and JUBILEE FIRST
AVENUE CORPORATION

ANSWER TO COMPLAINT

TRIAL BY JURY DEMANDED

Plaintiff,

-against-

16 CV 9934 (PAE)(KNF)

ERIC MACAIRE,

Defendant, Pro Se,

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Defendant, ERIC MACAIRE, answering the Complaint of Plaintiffs herein, respectfully shows to the Court and alleges as follows:

ANSWERING THE ALLEGATIONS
DENOMINATED NATURE OF ACTION

FIRST: Answering the paragraphs of the Complaint marked “1”, “2”, “3”, and “4”, defendant, Eric Macaire, denies each and every allegation set forth therein and refers all questions of law to the Court.

ANSWERING THE ALLEGATIONS
DENOMINATED JURISDICTION AND VENUE

SECOND: Answering the paragraph of the Complaint marked “5” and “6”, defendant, Eric Macaire, denies each and every allegation set forth therein and refers all questions of law to the Court.

ANSWERING THE ALLEGATIONS
DENOMINATED THE PARTIES

THIRD: Answering the paragraphs of the Complaint marked “7”, and “8”, and “9” defendant, Eric Macaire, denies each and every allegation set forth therein.

**ANSWERING THE ALLEGATIONS
DENOMINATED THE DEFENDANT**

FIFTH: Answering the paragraphs of the Complaint marked “14” and “16” defendant, Eric Macaire, denies knowledge or information sufficient to form a belief as to the truth of each and every allegation set forth therein.

**ANSWERING THE ALLEGATIONS
DENOMINATED FACTS
(Jubilee on 54th Street)**

SEVENTH: Answering the paragraphs of the Complaint marked “17” and “18”, defendant, Eric Macaire, denies knowledge or information sufficient to form a belief as to the truth of each and every allegation set forth therein.

EIGHTH: Answering the paragraph of the Complaint marked “19”, defendant, Eric Macaire, denies each and every allegation set forth therein.

**ANSWERING THE ALLEGATIONS
DENOMINATED FACTS
(Jubilee on 1st Avenue)**

NINTH: Answering the paragraph of the Complaint marked “21” defendant, Eric Macaire, denies each and every allegation set forth therein.

TENTH: Answering the paragraphs of the Complaint marked “24”, “25”, “26”, “27” and “28”, defendant, Eric Macaire, denies each and every allegation set forth therein.

**ANSWERING THE ALLEGATIONS
DENOMINATED FACTS
(The Settlement of the Labor Dispute)**

ELEVENTH: Answering the paragraph of the Complaint marked “28”, defendant, Eric Macaire, denies each and every allegation set forth therein.

TWELFTH: Answering the paragraph of the Complaint marked “29” defendant, Eric Macaire, denies knowledge or information sufficient to form a belief as to the truth of each and every allegation set forth therein.

THIRTEENTH: Answering the paragraph of the Complaint marked “31”, defendant, Eric Macaire, denies each and every allegation set forth therein, and refers all questions of law to the Court, and all contract interpretation to the trial court.

FOURTEENTH: Answering the paragraph of the Complaint marked “32”, defendant, Eric Macaire, denies each and every allegation set forth therein.

**ANSWERING THE ALLEGATIONS
DENOMINATED FACTS**

(The termination of Macaire as an employee and his removal as an officer of Jubilee)

FIFTEENTH: Answering the paragraph of the Complaint marked “33” defendant, Eric Macaire, denies knowledge or information sufficient to form a belief as to the truth of each and every allegation set forth therein.

SIXTEENTH: Answering the paragraph of the Complaint marked “34”, defendant, Eric Macaire, denies each and every allegation set forth therein.

SEVENTEENTH: Answering the paragraph of the Complaint marked “35” defendant, Eric Macaire, denies knowledge or information sufficient to form a belief as to the truth of each and every allegation set forth therein.

EIGHTEENTH: Answering the paragraph of the Complaint marked “36”, “37”, “38”, and “39” defendant, Eric Macaire, denies each and every allegation set forth therein, and refers all questions of law to the Court.

ANSWERING THE CAUSE OF ACTION
DENOMINATED AS COUNT I
(Declaratory Judgment)

NINETEENTH: Answering the paragraph of the Complaint marked “40”, defendant, Eric Macaire, repeats, reiterates and realleges each of his Answers to paragraphs “1” through “39” of the Complaint with the same force and effect as though more fully set forth at length herein.

TWENTIETH: Answering the paragraph of the Complaint marked “43” defendant, Eric Macaire, denies each and every allegation set forth therein, and refers all questions of law to the Court and all interpretations of contract to the trial court.

TWENTY-FIRST Answering the paragraphs of the Complaint marked “44”, “45”, “46”, “47”, “48”, and “49”, defendant, Eric Macaire, denies each and every allegation set forth therein and refers all questions of law to the Court.

ANSWERING THE CAUSE OF ACTION
DENOMINATED AS AND FOR COUNT II
(Breach of Fiduciary Duty)

TWENTY-SECOND: Answering the paragraph of the Complaint marked “50”, defendant, Eric Macaire, repeats, reiterate and realleges each of his Answers to paragraphs “1” through “49” of the Complaint with the same force and effect as though more fully set forth at length herein.

TWENTY-THIRD: Answering the paragraphs of the Complaint marked “51” and “54”, defendant, Eric Macaire, denies each and every allegation set forth therein and refers all questions of law to the Court.

TWENTY-FOURTH: Answering the paragraphs of the Complaint marked “52” and “53” defendant, Eric Macaire, denies each and every allegation set forth therein.

ANSWERING THE CAUSE OF ACTION
DENOMINATED AS AND FOR COUNT III
(Conversion)

TWENTY-FIFTH: Answering the paragraph of the Complaint marked “55”, defendant, Eric Macaire, repeats, reiterates and realleges each of his Answers to paragraphs “1” through “54” of the Complaint with the same force and effect as though more fully set forth at length herein.

TWENTY-SIXTH: Answering the paragraphs of the Complaint marked “57”, “58”, “61”, “62”, and “63” defendant, Eric Macaire, denies each and every allegation set forth therein and refers all questions of law to the Court.

TWENTY-SIXTH: Answering the paragraph of the Complaint marked “59” and “60” defendant, Eric Macaire, denies knowledge or information sufficient to form a belief as to the truth of each and every allegation set forth therein.

ANSWERING THE CAUSE OF ACTION
DENOMINATED AS AND FOR COUNT IV
(Permanent Injunction)

TWENTY-SIXTH: Answering the paragraph of the Complaint marked “64”, defendant, Eric Macaire, repeats, reiterates and realleges each of his Answers to paragraphs “1” through “63” of the Complaint with the same force and effect as though more fully set forth at length therein.

TWENTY-SIXTH: Answering the paragraphs of the Complaint marked “65”, “66”, “67”, and “68” defendant, Eric Macaire, denies each and every allegation set forth therein and refers all questions of law the Court.

FIRST AFFIRMATIVE DEFENSE

TWENTY-SEVENTH: Defendants, Holie and Araujo lack standing.

SECOND AFFIRMATIVE DEFENSE

TWENTY-EIGHTH: Plaintiffs' claims, including their cause of action for breach of fiduciary duty, are barred by the applicable statute of limitations including the one-year statute of limitations for intentional torts in CPLR §215.

THIRD AFFIRMATIVE DEFENSE

TWENTY-NINTH: The plaintiffs' claims, including his causes of action for intentional torts, are barred by the applicable statute of limitations including the three-year statute of limitations for failure to collect money owed in CPLR §214.

FOURTH AFFIRMATIVE DEFENSE

THIRTIETH: Defendant Macaire exercised valid business judgment for all transactions conducted as an officer of Jubilee First Avenue Corporation

FIFTH AFFIRMATIVE DEFENSE

THIRTY-FIRST: Defendant Macaire exercised valid business judgment for all transactions conducted as an officer of Jubilee First Avenue Corporation.

SIXTH AFFIRMATIVE DEFENSE

THIRTY-FIRST: Plaintiffs' fail to state a cause of action on which relief can be granted.

SEVENTH AFFIRMATIVE DEFENSE

THIRTY-SECOND: There is no case or controversy involving Plaintiffs' Cause of Action denominated as Count I, as there has been no breach and the claim is not ripe.

NINTH AFFIRMATIVE DEFENSE

THIRTY-THIRD: Plaintiffs' Cause of Action denominated as Count III for conversion is moot.

TENTH AFFIRMATIVE DEFENSE

THIRTY-FOURTH: Plaintiffs' do not meet the financial threshold for amount to bring suit in Federal Court.

ELEVENTH AFFIRMATIVE DEFENSE

THIRTY-FIVE: Plaintiffs' causes of action in the Complaint are barred from recovery, if any, by the doctrine of unclean hands.

WHEREFORE, defendant, Eric Macaire, demands judgment dismissing the Complaint herein, together with the costs and disbursements of this action.

Dated: Salisbury, Connecticut
April 7, 2017

BY:

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